

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In Re:)	Bankruptcy Appeal
MICHAEL J. DELANEY)	C.A. No. 04-10393-NG
Debtor)	
)	

MOTION OF GERRITY COMPANY INCORPORATED
FOR EXTENSION OF TIME TO FILE APPELLEE'S BRIEF
AND REQUEST FOR EXPEDITED CONSIDERATION

To the Honorable Nancy Gertner, United States District Judge:

Now comes Gerrity Company Incorporated, (hereinafter "Gerrity") one of the Appellees in the above captioned appeal and respectfully moves that this Court extend the time in which Gerrity may file its brief and in support thereof, Gerrity submits the following:

1. Pursuant to an order of this Court dated March 2, 2004, a copy of which is annexed hereto and marked Exhibit A, Gerrity is required to file its appellate brief on April 1, 2004.

2. It is Gerrity's position that because the Appellant did not obtain a stay pending appeal of the order of the Bankruptcy Court authorizing Gerrity to foreclose on the real estate which is the subject of this appeal that said appeal is now moot. Said position is set forth in the Motion for Order Dismissing Appeal Due to Mootness which is filed contemporaneously herewith (the "Motion to Dismiss").

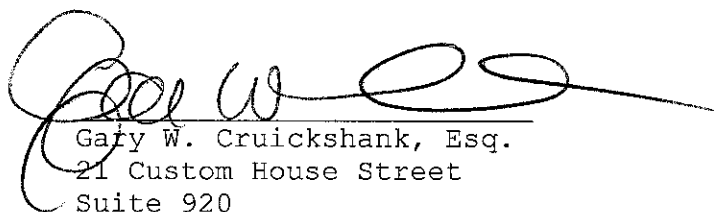
3. If the Court allows the Motion to Dismiss, Gerrity will not have to incur the significant expense of preparation and filing its appellate brief.

4. Expedited consideration of this Motion is requested since the time for filing said Brief is April 1, 2004.

WHEREFORE, after expedited consideration, Gerrity requests that this Court enter an Order extending the time for Gerrity to file its Brief in the above captioned appeal pending resolution of the Motion to Dismiss.

Respectfully submitted
Gerrity Company Incorporated
By its Counsel,

Dated: 3/23/04



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CERTIFICATE OF SERVICE

I, Gary W. Cruickshank, hereby certify that a copy of the foregoing Motion has been served, via facsimile and regular mail, upon James F. Creed, Jr., Esq., Creed & Formica, Counsel to the Appellants, 1329 Highland Avenue, Needham Massachusetts 02492 and by regular United States mail, postage prepaid, to all other Defendants on the annexed list.

Dated: 3/24/04



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